

DURIE TANGRI LLP
Daralyn J. Durie (SBN 169825)
ddurie@durietangri.com
217 Leidesdorff Street
San Francisco, California, 94111
+1 (415) 362-6666
+1 (415) 236-6300 facsimile

Attorneys for Orange, S.A.

FOLEY HOAG LLP
Daniel Schimmel (*pro hac vice*)
dschimmel@foleyhoag.com
1540 Broadway, 23rd Floor
New York, New York, 10036
+1 (646) 927-5500
+1 (646) 927-5599 facsimile

Anthony Mirenda (*pro hac vice*)
amirenda@foleyhoag.com
Seaport West
155 Seaport Boulevard
Boston, MA 02210
+1 (617) 832-1220
+1 (617) 832-7000 facsimile

Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

TELESOCIAL INC.,

Plaintiff,

v.

ORANGE S.A., *et al.*,

Defendants.

Case No. 3:14-cv-03985-JD

**DECLARATION OF ANTHONY MIRENDA
IN SUPPORT OF DEFENDANTS' MOTION
TO EXCLUDE OPINIONS AND TESTIMONY
OF GEORGE FOSTER**

Date: February 16, 2017
Time: 10:00 a.m.
Ct rm: 11, 19th Floor
Judge: Honorable James Donato
Trial: April 10, 2017

1 I, Anthony Mirenda, declare and state as follows:

2 1. I am a partner at the law firm of Foley Hoag LLP and counsel for Defendants Orange S.A.
3 (“Orange”) and the individual defendants. I submit this declaration in support of the Orange Defendants’
4 Motion to Exclude the Opinions and Testimony of George Foster.

5 2. Attached hereto as **Exhibit 1** is a true and correct copy of the Expert Report of George
6 Foster, Ph.D.

7 3. Attached hereto as **Exhibit 2** is a true and correct copy of the Rebuttal of Expert Report of
8 Professor George Foster by Professor Richard Puntillo.

9 4. Attached hereto as **Exhibit 3** is a true and correct copy of excerpts from the certified
10 transcript of the deposition of George Foster, Ph.D. (December 22, 2016).

11 5. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts from the certified
12 transcript of the deposition of Eric Stone (October 12, 2016).

13 6. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts from the certified
14 transcript of the deposition of Bill Waytena (October 20, 2016).

15 7. Attached hereto as **Exhibit 6** is a true and correct copy of an excerpt from “Valuation
16 Multiples: A Primer,” published by UBS Warburg, Global Equity Research (November 2001), available
17 at <http://www.rgquintero.com/media/91f679831d8e9521ffff80e8fffe906.pdf>.

18 8. Attached hereto as **Exhibit 7** is a true and correct copy of a Telesocial business record, a
19 document titled “Agreement between France Telecom – Orange Group & Telesocial for a Demonstration
20 & a Proof of Concept,” dated July 30, 2012, produced by Telesocial in this litigation at Bates numbers
21 TS-OG00163190-202.

22 9. Attached hereto as **Exhibit 8** is a true and correct copy of Orange Exhibit 106, a
23 Telesocial business record that is an August 13, 2012 email from Ylva Rahm at Telesocial with an
24 attachment titled “Trial Agreement for Telesocial Services.”

25 10. Attached hereto at **Exhibit 9** is a true and correct copy of a Telesocial business record, a
26 document titled “Unsolved issues in the Telesocial-DT CallFriends trial project,” produced by Telesocial
27 in this litigation at Bates numbers TS-OG00270705-708.

